

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

LEON THOMAS, #04362-095

PETITIONER

VERSUS

CIVIL ACTION NO. 5:07-cv-112-DCB-MTP

CONSTANCE REESE

RESPONDENT

**ORDER DENYING REQUEST FOR *IN FORMA PAUPERIS* STATUS AND
REQUIRING PETITIONER TO PAY THE FILING FEE**

Petitioner Thomas, an inmate at the Federal Correctional Institute, Yazoo City, Mississippi, filed an application to proceed *in forma pauperis* in this cause. The Petitioner's request for waiver of fees and costs states that he has the sum of \$8,169.22 in his inmate account. The filing fee for this action is \$5.00.

Section 28 U.S.C. § 1915(a) provides access to the courts if a Petitioner does not have financial resources to pay any part of the statutory filing fee. *See Williams v. Estelle*, 681 F.2d 946 (5th Cir. 1982); *Prows v. Kastner*, 842 F.2d 138 (5th Cir. 1988). This Court notes that the Petitioner is currently incarcerated and does not pay for room, food, clothing or other incidental expenses. Under the circumstances, this Court in exercising its discretion has determined that the Petitioner has the financial resources to pay the \$5.00 filing fee; therefore, Petitioner's application to proceed *in forma pauperis* is not well-taken and will be denied. Accordingly, it is

ORDERED AND ADJUDGED:

1. That Petitioner's application to proceed *in forma pauperis* should be and is hereby

denied. Petitioner has twenty days from the date of this order to submit to this Court the \$5.00 filing fee. Accompanying Petitioner's payment shall be a written explanation that the money is being submitted as payment of the filing fee in this case, civil action number 5:07-cv-112-DCB-MTP, on behalf of the Petitioner, Leon Thomas, #04362-095.

2. That if the \$5.00 filing fee is not received within the twenty day time period, Petitioner is warned that this case will be dismissed without further written notice.

3. That Petitioner is warned that failure to keep this Court informed of his current address or failure to fully comply with any order of this Court, will result in this case being dismissed.

This the 31 st day of May, 2007.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE